

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ORTIZ & ASSOCIATES CONSULTING, LLC

Plaintiff,

v.

ROKU, INC.

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ortiz & Associates Consulting, LLC (“Ortiz”), through its attorney, complains of Roku, Inc. (“Roku”), and alleges the following:

PARTIES

1. Plaintiff Ortiz & Associates Consulting, LLC is a limited liability company organized and existing under the laws of New Mexico that maintains its principal place of business at 117 Bryn Mawr Drive SE, Albuquerque, NM 87106.

2. Defendant Roku, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 150 Winchester Circle, Los Gatos, CA, 95032.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Roku because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Roku provides its full range of services to residents in this District. As described below, Roku has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Roku has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Roku provides its full range of services to residents in this District and is incorporated in this District. In addition, Ortiz has suffered harm in this District.

PATENTS-IN-SUIT

7. Ortiz is the assignee of all right, title and interest in United States Patent No. 8,971,914 B2 (the “’914 Patent”), United States Patent No. 9,147,299 B2 (the “’299 Patent”), and United States Patent No. 9,549,285 B2 (the “’285 Patent”) collectively, the “Patents-in-Suit,” including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Ortiz possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Roku.

The ’914 Patent

8. On March 3, 2015, the United States Patent and Trademark Office issued the ’914 Patent. The ’914 Patent is titled “Systems, Methods and Apparatuses for Providing Video Data to Data Rendering Devices for Display on Multimedia Video Devices at the Request of Wireless Hand Held Devices.” The application leading to the ’914 Patent was filed on September 29, 2009 and is a continuation of application number 09/887,492, filed on June 22, 2001; which claims

priority from provisional application 60/214,339, filed on June 27, 2000. A true and correct copy of the '914 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '914 Patent is valid and enforceable.

10. The invention in the '914 Patent relates to the use and management of data retrieved over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices, such as televisions, video monitors, and projectors, capable of receiving and displaying video data at the request of wireless devices. Ex. A. at 1:24–32.

11. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:21–25.

The '299 Patent

12. On September 29, 2015, the United States Patent and Trademark Office issued the '299 Patent. The '299 Patent is titled “Systems, Methods and Apparatuses for Brokering Data Between Wireless Devices, Servers and Data Rendering Devices.” The application leading to the '721 Patent was filed on February 26, 2013 and is a continuation of application number 12/569,739, filed on September 29, 2009; which is a continuation of application number 09/887,492, filed on June 22, 2001; which claims priority from provisional application 60/214,339, which was filed on June 27, 2000. A true and correct copy of the '299 Patent is attached hereto as Exhibit B and incorporated herein by reference.

13. The '299 Patent is valid and enforceable.

14. The invention in the '299 Patent relates to the use and management of data retrieved over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices, such as televisions, video monitors, and projectors, capable of receiving and displaying video data at the request of wireless devices. Ex. B. at 1:26–35.

15. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:26–31.

The '285 Patent

16. On January 17, 2017, the United States Patent and Trademark Office issued the '285 Patent. The '285 Patent is titled “Systems, Methods and Apparatuses for Brokering Data Between Wireless Devices, Servers and Data Rendering Devices.” The application leading to the '285 Patent was filed on April 21, 2016 and is a continuation of application number 13/777,284, filed on February 26, 2013; which is a continuation of application number 13/777,302, filed on February 26, 2013; which is a continuation of application number 12/569,739, filed on September 29, 2009; which is a continuation of application number 09/887,492, filed on June 22, 2001; which claims priority from provisional application 60/214,339, which was filed on June 27, 2000. A true and correct copy of the '285 Patent is attached hereto as Exhibit C and incorporated herein by reference.

17. The '285 Patent is valid and enforceable.

18. The invention in the '285 Patent relates to the use and management of data retrieved over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices, such as televisions, video monitors, and projectors, capable of receiving and displaying video data at the request of wireless devices. Ex. C. at 1:38–50.

19. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:42–47.

COUNT I: INFRINGEMENT OF THE '914 PATENT

20. Ortiz incorporates the above paragraphs herein by reference.

21. **Direct Infringement.** Roku has been and continues to directly infringe at least claim 16 of the '914 Patent in this District and elsewhere in the United States by providing a device, for example, Roku's Roku TV, performs the steps of "brokering video data between handheld wireless devices and a video monitors including a display screen and access to a data network." For example, Roku's Roku TV allows users to send photos they want to render directly to a television wirelessly. *See* Figure 1; <https://image.roku.com/c3VwcG9ydC1B/Roku-TV-User-Guide-7-6.pdf>.

Roku TV™

User Guide

Version 7.6

English



Figure 1. Roku's Roku TV allows users to send photos directly to a television wirelessly.

22. Roku's Roku TV performs the steps of element 1(a) of claim 16 of the '914 Patent: "using a wireless network supporting a handheld wireless device (WD) including at least one of a smart phone or personal digital assistant to locate said video monitor including a display screen and access to a data network." For example, Roku's Roku TV allows users to choose the photo they want to display onto a television via their wireless device once the app is downloaded. See Figure 2; <https://support.roku.com/en-ca/article/208755108-how-to-display-photos-on-the-tv-using-play-on-roku>.

How to display photos on your TV using Play On Roku

Background

The Roku® mobile app is a free application for iOS® and Android™ devices that turns your mobile device into a control center for your Roku streaming device. Play on Roku is a feature of the Roku mobile app that allows you to display, or **cast**, videos, photos and music stored on your mobile device onto your TV.

If you are looking to mirror the entire screen of your mobile device onto your TV, [learn how to use screen mirroring](#) with your Roku streaming device. Screen mirroring is supported on compatible Android and Windows® devices.

Figure 2. Roku's Roku TV allows users to choose the photo they want to display once the app is downloaded.

23. Roku's Roku TV performs the steps of element 1(b) of claim 16 of the '914 Patent: "selecting video data for rendering on said video monitor using said WD after authorization code provided by the WD is verified by said video monitor." For example, Roku's Roku TV allows users access to their media library on their mobile device (via mobile application) to be displayed on a television. *See* Figure 3; <https://support.roku.com/en-ca/article/208755108-how-to-display-photos-on-the-tv-using-play-on-roku>.

How do I cast photos, music or video on my TV using Play on Roku?


1. Open the Roku mobile app.
2. Launch Play on Roku by selecting the **Photos+** icon  from the navigation bar at the bottom of the Roku mobile app.
3. Select either **Music**, **Photos**, or **Videos** to choose what to cast from your mobile device's library. When prompted, allow the Roku mobile app to access your media library to enable the mobile app to cast your content.

Figure 3. Roku's Roku TV allows users to access their media library on their mobile device (via mobile application) to be displayed on a television.

24. Roku Roku TV performs the steps of element 1(c) of claim 16 of the '914 Patent: "providing said video monitor selected by said WD for rendering by said video monitor by said WD." For example, Roku's Roku TV allows users to send photos to a television which in turn

displays the photos selected by the user. *See* Figure 4; <https://support.roku.com/en-ca/article/208755108-how-to-display-photos-on-the-tv-using-play-on-roku>.

Can my friends and I share videos and music as well?

Yes, Play on Roku will also play videos and music stored on your mobile device. Simply choose the video or music file that you wish to cast to your Roku device and your videos or music will be played in the order they were shared to the Roku device.

Figure 4. Roku's Roku TV allows users to send photos to a television which in turn displays the photos selected by the user.

25. **Induced Infringement.** Roku has also actively induced, and continues to induce, the infringement of at least claim 16 of the '914 Patent by actively inducing its customers, including merchants and end-users to use Roku's products in an infringing manner as described above. Upon information and belief, Roku has specifically intended that its customers use its products that infringe at least claim 16 of the '914 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 16 of the '914 Patent, as described above. Even where performance of the steps required to infringe at least claim 16 of the '914 Patent is accomplished by Roku and Roku's customer jointly Roku's actions have solely caused all of the steps to be performed.

26. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

27. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE '299 PATENT

28. Ortiz incorporates the above paragraphs herein by reference.

29. **Direct Infringement.** Roku has been and continues to directly infringe at least claim 1 of the '299 Patent in this District and elsewhere in the United States by providing a device, for example, Roku's Roku TV, that performs the steps of "brokering video data between handheld wireless devices and publicly and privately available data rendering devices in the form of at least one of a video monitor and multimedia projector for rendering of the video data at a selected rendering device." For example, Roku's Roku TV allows users to send photos from their smartphone as well as stream shows from the Roku TV directly to a television wirelessly. *See* Figure 1.

30. Roku's Roku TV performs the steps of element 1(a) of claim 1 of the '299 Patent: "receiving a request in a wireless data communication network from a wireless device (WD) to locate at least one data rendering device (DRD) in the form of at least one of a video monitor and multimedia projector for rendering video data selected at said WD, said request including WD location information." For example, Roku's Roku TV mobile application allows users to use their smartphone as a control center for displaying data onto their television. *See* Figure 2.

31. Roku's Roku TV performs the steps of element 1(b) of claim 1 of the '299 Patent: "said wireless data communication network identifying a physical location, operational readiness and rendering capabilities of at least one DRD for said WD based on the WD location information." For example, Roku's Roku TV identifies physical locations such as hotels, school dorms, and conference facilities and allows users to wirelessly connect wireless devices to data rendering devices. *See* Figure 5; <https://image.roku.com/c3VwcG9ydC1B/Roku-TV-User-Guide-7-6.pdf>.

Hotels, school dorms, conference facilities, and similar locations with public wireless Internet access often require you to interact with a web page to authenticate your access. These restricted public networks are commonly known as captive portal networks. When you select a network of this type, the TV automatically detects that additional information is needed and prompts you through using another wireless device to supply the requested information.

Figure 5. Roku's Roku TV identifies physical locations such as hotels, school dorms, and conference facilities and allows users to wirelessly connect wireless devices to data rendering devices.

32. Roku's Roku TV performs the steps of element 1(c) of claim 1 of the '299 Patent: "said wireless data communication network providing said WD with location information of at least one accessible DRD for selection by said WD." For example, Roku's Roku TV allows televisions to automatically detect any additional information users need to access network portal via a wireless device. *See* Figure 5.

33. Roku's Roku TV performs the steps of element 1(c) of claim 1 of the '299 Patent: "receiving from said WD via said wireless data communication network a selection of a DRD by entry of authorization code at a user interface on at least one of said WD and said DRD once the DRD is physically located, and video data selected from at least one of said WD or a server accessible by said WD for rendering at said DRD, wherein verification of the authorization code entered on the user interface causes said DRD to retrieve and render the video data." For example, Roku's Roku TV allows users to use their mobile devices to wirelessly connect to wireless access points. The mobile devices will display the wireless access point location as well as allow users to enter an authorization code to access the wireless access point. *See* Figure 6; <https://image.roku.com/c3VwcG9ydC1B/Roku-TV-User-Guide-7-6.pdf>.

Tips:

- *Using your Roku TV on a hotel or dorm room network requires wireless availability and use of your network-connected smartphone, tablet, or computer to authenticate access to your wireless access point.*
- *Your TV must already be running software version 7.0 or later. You can find the version number by navigating from the Home screen to **Settings > System > About**. If it is running an earlier software version, you must use a non-restricted network to link and activate the TV, and then update the software to version 7.0.*
- *Be sure to bring your Roku TV remote control, because the Remote feature of the Roku mobile app may not work when connected to a hotel or dorm room network.*
- *Content might be limited or unavailable if you try to connect outside your home country due to geo-filtering.*

Figure 6. Roku's Roku TV allows users to use their mobile devices to wirelessly connect to wireless access points.

34. **Induced Infringement.** Roku has also actively induced, and continues to induce, the infringement of at least claim 1 of the '299 Patent by actively inducing its customers, including merchants and end-users to use Roku's products in an infringing manner as described above. Upon information and belief, Roku has specifically intended that its customers use its products that infringe at least claim 1 of the '299 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '299 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '299 Patent is accomplished by Roku and Roku's customer jointly Roku's actions have solely caused all of the steps to be performed.

35. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

36. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT III: INFRINGEMENT OF THE '285 PATENT

37. Ortiz incorporates the above paragraphs herein by reference.

38. **Direct Infringement.** Roku has been and continues to directly infringe at least claim 1 of the '285 Patent in this District and elsewhere in the United States by providing a device, for example, Roku's Roku TV, that has a system of rendering data provided via a data communications network at the request of a wireless device. For example, Roku's Roku TV streams and renders data onto a television received from a data communications network at the request of a wireless device via the Roku TV mobile application. *See* Figure 1.

39. Roku's Roku TV has element 1(a) of claim 1 of the '285 Patent: "a server in communication with at least one data rendering device (DRD), said at least one DRD including a user interface for receiving passcodes, the DRD registered with said server to access and receive data over a data communications network at the request of a wireless device (WD) for rendering of the data at the at least one DRD in response to a passcode associated with said WD being entered at the user interface." For example, Roku's Roku TV allows users to select videos they want to display onto a television from a wireless device via the Roku TV mobile application. Once the app is downloaded, users can access the wireless network after entering a passcode on their wireless device. *See* Figure 2.

40. Roku's Roku TV has element 1(b) of claim 1 of the '285 Patent: "memory in said server accessible by said DRD, said memory for securely storing data received by or on behalf of said WD and said passcode associated with said WD." For example, Roku's Roku TV allows users access to a stream server's media library on their mobile device (via mobile application) to select videos to be displayed on a television. *See* Figure 3.

41. Roku's Roku TV has element 1(c) of claim 1 of the '285 Patent: "wherein said server is configured to receive said data and said passcode associated with said WD from said memory and to render said data after at least one passcode is entered on said user interface that

matches said passcode stored in said memory associated with said WD and provided to said DRD.” For example, Roku’s Roku TV allows users to select videos from a streaming server they want to display onto a television from a wireless device via the Roku TV mobile application. Once the app is downloaded, users can access the wireless network after entering a passcode on their wireless device. *See* Figure 4.

42. **Induced Infringement.** Roku has also actively induced, and continues to induce, the infringement of at least claim 1 of the ’285 Patent by actively inducing its customers, including merchants and end-users to use Roku’s products in an infringing manner as described above. Upon information and belief, Roku has specifically intended that its customers use its products that infringe at least claim 1 of the ’285 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the ’285 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the ’285 Patent is accomplished by Roku and Roku’s customer jointly Roku’s actions have solely caused all of the steps to be performed.

43. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

44. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

45. Under Rule 38(b) of the Federal Rules of Civil Procedure, Ortiz respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Ortiz asks this Court to enter judgment against Roku, granting the following relief:

- A. A declaration that Roku has infringed the Patents-in-Suit;
- B. An award of damages to compensate Ortiz for Roku's direct infringement of the Patents-in-Suit;
- C. An order that Roku and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Roku's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Ortiz of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,

By: /s/ Stamatios Stamoulis _____
Stamatios Stamoulis #4606
stamoulis@swdelaw.com
Richard C. Weinblatt #5080
weinblatt@swdelaw.com
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540

Isaac Rabicoff
isaac@rabilaw.com
Kenneth Matuszewski
kenneth@rabilaw.com
Rabicoff Law LLC
73 W Monroe
Chicago, IL 60603
(773) 669-4590